

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:  
Asaf Adi

Filed: 30-10-03

For: Method and System for  
Active Monitoring of  
Dependency Models

Application No.: 10/697184

Confirmation No.: 8188

Art Unit: 3629

Examiner: Chumpitaz, Bob R.

**DECLARATION UNDER 37 CFR 1.131**

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

We, the undersigned, Asaf Adi, Opher Etzion, Dagan Gilat, and Guy Sharon, hereby declare as follows:

1) We are the Applicants in the patent application identified above, and are co-inventors of the subject matter described and claimed in claims 2-4, 8-10, and 27-31, which are currently pending therein. We are employed by IBM Corporation, the Assignee hereof.

2) At the time the invention was made we were under an obligation to assign the invention to International Business Machines Corporation.

3) Subsequent to January 1, 1996 and prior to August 5, 2003, we conceived our invention, as described and claimed in the subject application, in Israel, a WTO country.

4) Conception of the invention is evidenced by an internal invention disclosure document, which is included herewith as Exhibit 1. A Document Properties screenshot, included as Exhibit 2, identifies one of the co-inventors hereof (Adi) as the author of Exhibit 1 and shows its File creation date in European format (day/month/year) as being prior to August 5, 2003.

5) Table 1 shows the correspondence between the elements of independent claim 27 in the present patent application and the material in the Exhibits hereof. This table demonstrates that we conceived the entire invention, as recited in claim 27, prior to August 5, 2003. Based on the similarity of subject matter between independent claims 2 and independent claims 28 and 30, it can similarly be demonstrated that we conceived the entire invention recited in claims 2-4, 8-10, and 27-31.

Table 1

Claim 27	Exhibit 1
A method for processing information, comprising:	
in a system comprising one or more processors providing an active dependency integration unit,	Page 3 - Block Diagram of System; text of Paragraph 2 describing ADI (active dependency integration)
comprising a first program module that receives as input first events	Page 3 - Paragraph 1 "ADI receives event information"
for processing together with a definition of dependencies between business components	Page 2 - ADI Rule Language "An XML language that enables the definition of... dependency types."
in a business model in order to monitor a propagated impact between the business components;	Page 3 - Efficient Execution Model, Paragraph 2. "If an event changes a business component state then ADI discovers how the change in one business component state propagates to other usiness components according to the business model."

providing in the system a situation awareness unit, comprising a second program module that detects situations comprising specified combinations of second events and conditions	<p>Page 1 - paragraph 2.1 "Monitor in runtime the effect of events on business components"</p> <p>Page 4 - paragraph (b) "When a situation is detected by AMIT"</p>
receiving in the active dependency integration unit a first event relating to at least a first business component	Page 4 = block diagram showing event propagation
responsively to the first event and to the dependencies, propagating a change to at least a second business component;	<p>Page 4 - block diagram showing event propagation;</p> <p>Page 4 - "ADI identifies the target entities of this dependency.</p> <p>ADI updates state information of these entities"</p>
passing a second event indicative of the change to the situation awareness unit;	Page 4 - block diagram showing event propagation
responsively to the second event, detecting a situation in the situation awareness unit;	Page 4 - block diagram showing event propagation in connection with description "AMIT situation describes the logic..."
responsively to the situation, conveying a third event from the situation awareness unit to the active dependency integration unit; and	<p>Page 4 - block diagram showing event propagation.</p> <p>Paragraph (b) "ADI updates state information of these entities. If state information changes then the previous step is repeated."</p>
outputting a functional state of the business model responsively to at least the third event.	Page 4 - paragraph (b) "If required, ADI signals an event to the outside world to report about propagated state changes (ADI situation)"

6) Prior to August 5, 2003, we transmitted the disclosure of Exhibit 1 to Jonathan Topper, who was retained by IBM, the assignee hereof, as outside counsel for the purpose of preparing the present

patent application.

7) Exhibit 3 and Exhibit 4 are consolidated printouts of certain email correspondence relating to the Application, in which dates in the e-mail headers are in European format.

8) Exhibit 5 is an activity log generated by Jonathan Topper, in which the right-most column shows dates of activity in European format.

9) During a period beginning prior to August 5, 2003, and continuing until October 30, 2003, the filing date hereof, we worked diligently together with Mr. Topper to develop the invention leading to filing a patent application describing the claimed invention. Our diligence is demonstrated by the frequency and continuity of the e-mail communications (Exhibits 3 and 4) and activity log entries (Exhibit 5) during this period.

10). Variously, during the periods 3-21 August 2003 and 6-13 September 2003 three of the co-inventors hereof were unavailable to meet with the other co-inventors and the patent attorney to discuss matters pertaining to the drafting of the Application due to travel abroad on behalf of their employer, the Assignee, hereof. Details are shown below in Table 2.

11). On 20 September 2003 a draft of the Application was completed. Exhibit 6 is a printout of the first page of draft drawing figures upon which is superimposed a screen shot showing the file creation and file modification dates of Exhibit 6. Exhibit 7 is a printout of the first page of the Specification, with a screen shot superimposed thereon showing file creation dates.

12). The following dates were national holidays in Israel, and we were unable to meet or to have discussions with the patent attorney:

28 September 2003 (Rosh HaShana, 2<sup>nd</sup> day)

9-10 October 2003 Religious Observance Erev Yom Kippur and National holiday (Yom Kippur).

13). On 21 October 2003 we approved a revised draft for filing. The application was then sent to the United States, where it was filed on 30 October 2003.

14) Our activities are summarized by the entries shown in Table 2.

Table 2

Date	Activity	Source
3 Aug 2003	email correspondence - transmission of invention description to patent attorney	Exhibit 3, pp 4-5 Exhibit 5, p 2
1 week interval between 3 Aug 2003 and 21 Aug 2003	Foreign travel Co-inventor Dagan Gilat; (exact dates unavailable)	
1 week interval between 3 Aug 2003 and 21 Aug 2003	Foreign travel Co-inventor Opher Etzion; (exact dates unavailable)	
21 Aug 2003	Email correspondence from patent attorney	Exhibit 3, p 10
21 Aug 2003	Email correspondence noting unavailability of co-inventors due to foreign travel	Exhibit 4, pp 13-14
31 Aug 2003	Attorney Drafting Activity	Exhibit 5, p 2
9 Sept 2003	Attorney Drafting Activity	Exhibit 5, p 2
6 Sept - 13 Sept 2003	Foreign Travel: Co-Inventor Guy Sharon	
13 Sept 2003	Attorney Drafting Activity	Exhibit 5, p 2

14 Sept 2003	Email Correspondence to Patent Attorney	Exhibit 3, p 7
15 Sept 2003	Email correspondence from patent attorney	Exhibit 3, p 13
19 Sept 2003	Attorney Drafting Activity	Exhibit 5, p 2
20 Sept 2003	Draft Specificaiton and Drawing Figures prepared.	Exhibits 6, 7
28 Sept 2003	National Holiday	
29 Sept 2003	Email correspondence from patent attorney	Exhibit 4, p 11
30 Sept 2003	Attorney Drafting Activity	Exhibit 5, p 2
1 Oct 2003	Email correspondece to patent attorney	Exhibit 4, p 20
9-10 Oct 2003	Religious Observance and National Holiday	
15 Oct 2003	Email correspondence from patent attorney returning updated draft version of Application	Exhibit 3, p 6
20 Oct 2003	Email correspondence form co-inventor to Attorney	Exhibit 3, p 15
21 Oct 2003	Email correspondence from patent attorney regarding updated draft	Exhibit 3, p 18

15) We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and conjecture are thought to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

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